

Whistleblowing in labour relations in the context of the European regulation

Abstract

Whistleblowing has been a topic of discussion by professionals and the general public for many years. In October 2019, a European Directive on the protection of whistleblowers was adopted, which gave the Czech legislator a clear deadline for the adoption of legislation. At present, some whistleblowers are provided with partial and ineffective protection, and several unsuccessful legislative proposals have appeared in the past as well. There is a new proposal currently in the stage after being sent to the inter-ministerial comment procedure.

This piece briefly introduces the concept of whistleblowing, the purpose and implications of this institute in the light of the international and European documents and case law. Within the theoretical basis of individual elements of whistleblower protection, a new Directive on whistleblower protection is further discussed in detail. Due to the minimalist regulation in several EU Member States, the Directive represents a very progressive regulation.

The work also provides a detailed analysis of the Irish Protected Disclosures Act and some of its application problems. The Irish act provides protection to a wide range of people who report essentially any violation or misconduct. The act also lays down relatively detailed rules regarding the procedures for disclosure. The protection of whistleblowers is guaranteed in several aspects, in particular it offers the protection of identity, the immunity from liability and compensation for penalisation. The Irish act is not perfect and there are some application problems to which the Irish courts do not yet offer answers due to the relative novelty of the legislation. However, considering the proximity of legal systems, British jurisprudence could be discussed regarding some issues.

A detailed analysis of the Irish experience then allows a more thorough assessment of the current proposal. Given the currentness and anticipated changes, the current proposal has been analyzed rather briefly, noting in particular the insufficient transposition of the Directive. In conclusion, this work provides considerations *de lege ferenda* about the possibilities of the Czech legislation in context of the European Directive and the Irish practical experience.